

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

SEP 20 2011

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

)	2 CA-JV 2011-0057
)	DEPARTMENT B
IN RE DEREK P.)	
)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
)	Rule 28, Rules of Civil
)	Appellate Procedure
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. JV19176601

Honorable Kathleen A. Quigley, Judge Pro Tempore

AFFIRMED

Sanders & Sanders, P.C.
By Jennifer J. Sanders

Tucson
Attorneys for Appellant

V Á S Q U E Z, Presiding Judge.

¶1 Seventeen-year-old Derek P. appeals from the juvenile court's May 2011 order revoking his probation, committing him to the Arizona Department of Juvenile Corrections (ADJC) with a release date "not prior to 03-06-12," and ordering him to register as a sex offender. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *In re Maricopa Cnty. Juv. Action No. JV-117258*, 163 Ariz. 484, 486-87, 788 P.2d 1235, 1237-38 (App. 1989), avowing she has reviewed

the record and has found no arguable grounds for reversal. She asks this court to review the record for fundamental error.

¶2 Viewed in the light most favorable to upholding the juvenile court's orders, *see In re John M.*, 201 Ariz. 424, ¶ 7, 36 P.3d 772, 774 (App. 2001), the evidence shows that in October 2009, Derek was adjudicated delinquent after admitting a charge of molesting a child and placed on juvenile intensive probation for eighteen months. He was placed in a therapeutic group home specializing in treatment of adolescents with sexually maladaptive behaviors. As conditions of his probation he was required to "abide by all rules and regulations" of the placement and to remain there absent "prior notice and approval" of his probation officer or the court. In February 2011, the state filed a petition alleging Derek had been unsuccessfully discharged from the group home on January 31, 2011, in violation of the terms of his probation.

¶3 Substantial evidence supported the juvenile court's finding that the state had proved the violation, and the court considered the nature of Derek's offense, the risk he poses to the community, and whether there existed appropriate less restrictive placement alternatives before concluding Derek's commitment to ADJC was warranted. *See* Ariz. Code of Jud. Admin. § 6–304(C)(1)(c). That disposition, and the court's order that Derek register as a sex offender, were statutorily authorized. *See* A.R.S. §§ 8-341(A)(1)(e); 13-3821(A)(7), (D).

¶4 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety. We have found no fundamental or reversible error and no arguable issue

warranting further appellate review. *See Anders*, 386 U.S. at 744. We therefore affirm the juvenile court's order revoking Derek's probation and committing him to ADJC.

/s/ *Garye L. Vásquez*

GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ *Philip G. Espinosa*

PHILIP G. ESPINOSA, Judge

/s/ *Virginia C. Kelly*

VIRGINIA C. KELLY, Judge